

Notice of Allowability

Application No.

10/760,970

Examiner

Michael C. Henry

Applicant(s)

BARBEAU, DONALD L.

Art Unit

1623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 12/19/05.
2. ☒ The allowed claim(s) is/are 69-87. these claims are renumbered 1-19 respectively.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

SHAOJIA ANNA JIANG, PH.D.
SUPERVISORY PATENT EXAMINER

EXAMINER'S AMENDMENT/REASONS FOR ALLOWANCE

Applicant's arguments, see Remarks, pages 2-3, filed 12/19/05, with respect to claims 69-87 have been fully considered and are persuasive. The 112 rejections of claims 69-87 have been withdrawn. Furthermore, Applicant has filed a new oath/declaration in compliance with 37 CFR 1.67(a) to correct the defected oath and consequently the rejection pertaining thereto is withdrawn. Applicant's terminal disclaimer in compliance with 37CFR 1.32 (C) has overcome the nonstatutory double patenting rejection over U.S. Patent No. 6,699,848 B1, made in a prior office action.

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

The application has been amended as follows:

In claim 78, line 6, after the word "atoms" and before the phrase "a heteroalkylene" the word ---or--- has been inserted.

In claim 80, line 6, after the word "atoms" and before the phrase "a heteroalkylene" the word ---or--- has been inserted.

In claim 82, line 6, after the word "atoms" and before the phrase "a heteroalkylene" the word ---or--- has been inserted.

In claim 84, line 6, after the word "atoms" and before the phrase "a heteroalkylene" the word ---or--- has been inserted.

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In claim 86, line 6, after the word "atoms" and before the phrase "a heteroalkylene" the word ---or--- has been inserted.

In the specification, page 9, the phrase "Brief Summary f th Inventi n" has been deleted and the phrase --- Brief Summary of the Invention --- has been inserted therefor.

In the specification, page 10, the phrase "Brief D scription of the Drawings" has been deleted and the phrase --- Brief Description of the Drawings --- has been inserted therefor.

In the specification, page 12, the phrase "Use of conjugated saccharid s" has been deleted and the phrase --- Use of conjugated saccharides --- has been inserted therefor.

The examiner has found claims 69-87 to be unobvious over the prior art of record and therefore to be allowable over the prior art of record. The present invention relates to compound of a given formula. The very relevant prior art document (US 4,241,055) to this invention discloses similar compounds. However, though the compounds of the present invention are similar to the compounds claimed in the prior art documents, they possess structural differences that are unobvious to those of the prior art. For example, the pharmaceutically active drug residue is attached to the C6 carbon of the pyranose residue of the compound of the instant invention whereas said pharmaceutically active drug residue is on the anomeric C1 carbon of the compounds of the prior art. In addition, the anomeric C1 carbon of the compound of the instant invention has an attached hydroxyl group whereas the said anomeric C1 carbon of the compounds of the prior art is substituted with groups including acyl or substituted acyl groups. Moreover, these differences are neither described or suggested, nor are obvious over the prior art.

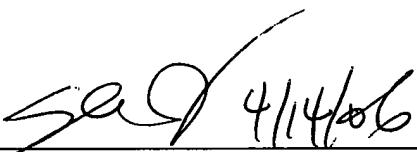
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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael C. Henry whose telephone number is 571-272-0652. The examiner can normally be reached on 8:30 am to 5:00 pm; Mon-Fri. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Shaojia Anna Jiang, Ph.D can be reached on 571-272-0627. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703 308-1235.

Michael C. Henry



Shaojia Anna Jiang, Ph.D.
Supervisory Patent Examiner
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April 14, 2006.